

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 03 M 678 RHS

JESSICA PEREZ,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the United States' Appeal of Magistrate Judge's Order of Release, filed December 23, 2003 (Doc. No. 11). The primary issue is whether the Defendant, Jessica Perez, poses a serious flight risk and whether, if she does, any condition or combination of conditions will reasonably assure Perez' appearance. Because the Court finds that Perez is a flight risk, and the Court is not satisfied any condition or combination of conditions will reasonably assure her appearance, the Court will revoke the order releasing Perez and order that she be held in custody pending her trial.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

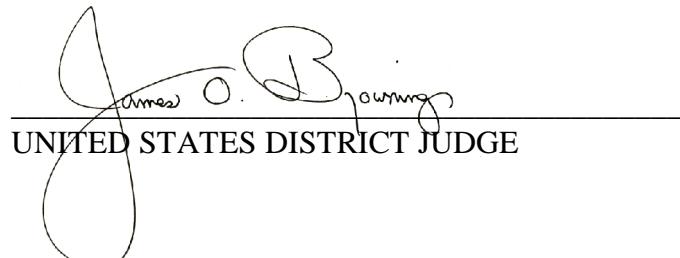
At an evidentiary hearing on this matter, the Court made findings of fact and conclusions of law on the record in open court. The Court will not repeat those here, but will incorporate those by reference.

The Pretrial Services' Report lists in paragraph 5 six factors that support a finding of risk of flight. Pretrial Services also noted, however, that conditions are available to reduce the risk of non-appearance. Pretrial Services recommended that the Court, "upon the posting of an **unsecured bond**

in the amount of \$50,000 (cosigned by a financially responsible third party)," Report ¶ 6, release Perez to a suitable third party custodian subject to certain conditions. After Perez' parents indicated that they would sign such a bond, and after Pretrial Services determined that they would be suitable third-party custodians, the Honorable Alan Torgerson, United States Magistrate released Perez.

Subsequently, Pretrial Services learned new information that suggested to it and to the Court that the parents were neither financially responsible third parties nor suitable third party custodians.

IT IS THEREFORE ORDERED that the United States Magistrate Judge's order releasing the Defendant, Jessica Perez, is revoked and that she be held in custody pending her trial.



James O. Bowning
UNITED STATES DISTRICT JUDGE

David C. Iglesias
United States Attorney
Bill Pflugrath
James Braun
Assistant United States Attorneys
Albuquerque, New Mexico

Attorneys for the United States of America

Floyd Lopez
Albuquerque, New Mexico

Attorney for the Defendant Jessica Perez